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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,517	11/20/2003	Tomoyuki Suzuki	1080.1131	6880
21171	7590	10/18/2007	EXAMINER	
STAAS & HALSEY LLP			DAFTUAR, SAKET K	
SUITE 700			ART UNIT	PAPER NUMBER
1201 NEW YORK AVENUE, N.W.			2151	
WASHINGTON, DC 20005			MAIL DATE	DELIVERY MODE
			10/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/716,517

Applicant(s)

SUZUKI, TOMOYUKI

Examiner

Saket K. Daftuar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date. <u>11/20/03 02/25/04</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-5 have presented for the examination.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of claims 1 and 4 are not limited to any particular apparatus or an article but may be practiced with any such suitable software program or instruction. Software is not one of the four categories of invention and therefore claims 1-5 are not statutory. Therefore, claims 1 and 5 fail under 35 U.S.C 101 for being a software program or instruction, which fails to show any functional relationship between the computer or hardware components.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwazaki U.S. Patent Number 5,243,529 (hereinafter Kashiwazaki).

As per claim 1, Kashiwazaki discloses a schedule management [figure 1, block 3] section that manages a schedule including information as to date and time and places (see column 1, lines 44-60); an access point management section that manages an association between information as to places and access points (present position and destination information, see column 1, line 61- column 2, line 12); and a communication connecting section that obtains information as to a place at the present time from the schedule and obtains an access point according to the information as to a place at the present time from the association to connect with the access point (see column 1, line 44- column 2, line 12).

As per claim 2, Kashiwazaki discloses the access point management section manages the association between information as to places including index [such as ID0, ID1, ID2...] instead of a place name and access points, and the communication connecting section has a mode [schedule management processing is activated in predetermined intervals as automatic mode activating management processing in predetermined time intervals, column 3, line 29 – column 4, line 19] in which upon receipt of an input according to an operation [schedule arrival time and name of destination], of the information as to places including index, the access point according to the information as to places is detected from the association to connect with the access point (see figures 3-5, column 2, lines 34-38, column 3, line 29 – column 4, line 51 ).

As per claim 3, Kashiwazaki discloses the schedule file management section and/or the access point management section manage the schedule and/or the association in such a manner that the schedule and/or the association [managing schedule data stored in nonvolatile RAM in accordance with the present time and displays the destination on the map] are recorded on a recording medium separated from the electronic equipment, the recording medium being accessed in the electronic equipment (column 2, line 46 – column 3, line 44).

As per claim 4, Kashiwazaki discloses a schedule management section [figure 1, block 3 with Figure 3] that manages a schedule including information as to date and time and places; and an access point management section that manages an association between information as to places and access points, the access point set up program causing the electronic equipment to operate as (see column 1, lines 44-60): a time obtaining section that obtains a present time ((see column 1, lines 44-60), clock producing present time information); a place obtaining section that obtains from the schedule information as to a place at the present time obtained in the time obtaining section (see column 1, lines 44-60 and column 2, lines 34-58); an access point obtaining section that obtains from the association an access point according to the information as to a place obtained in the place obtaining section (see column 1, lines 44-60 and column 2, lines 34-58); and an access point set up section that sets up the access point obtained in the access point obtaining section onto the electronic equipment (see

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column 1, lines 44-60 and column 2, lines 34-58 and column 3, line 29- column 4, line 51).

As per claim 5, Kashiwazaki discloses the access point management section manages the association between information as to places including index [such as ID0, ID1, ID2...] instead of a geographical address and access points, and the access point obtaining section has an automatic mode [schedule management processing is activated in predetermined intervals as automatic mode activating management processing in predetermined time intervals, column 3, line 29 – column 4, line 19] of obtaining from the association an access point according to the information as to a place obtained in the place obtaining section, and in addition a manual mode of obtaining the information as to a place entered in accordance with to an operation and of obtaining from the association an access point according to the entered information as to a place (see figures 3-5, column 2, lines 34-38, column 3, line 29 – column 4, line 51 ).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

a. Schedule Management System and Recording Medium by Kida U.S. Patent Number 5,907,829.

b. Method and Apparatus Arranged to Reduce Traffic on a Network Channel by Briancon et al. U.S. Patent Number 5,940,741.

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7. A shortened statutory period for reply to this non-final action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKD

  
JOHN FOLLANSBEE  
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